

REMARKS

By this Amendment, claim 43 is revised to overcome the rejection of record. The support of the definition of perfume concentrate containing at least one essential oil is clearly in the specification, on page 2, line 2, and is also supported by the examples.

Further the combination of the hydrofluoro ether and of the polyacid ester to form a solubilizer (which is neutral or essentially neutral from an olfactory point of view towards perfumes in question) is mentioned in the specification on page 3, lines 4 to 7.

In view of this, amended claim 43 is clearly supported by the initial disclosure.

The Examiner is warmly thanked for the kind and very positive discussion during the telephone interview of October 3rd, 2007 with Applicant's Attorneys, i.e. US Attorney, Christopher BRODY, and European Patent Attorney, Gérard PORTAL. Additional thanks are extended for the telephone and e-mail discussions of October 11, 2007 between Mr. Brody and the Examiner, and the indication that the proposed claim 43 appears to be patentable over the applied prior art.

In light of the amendment, claims 24, 25, 39, and 40 stand withdrawn from consideration and claims 26-38 and 41-57 are before the Examiner for consideration on their merits.

At first, it is emphasized that the amended claims are filed herewith wherein independent claim 43 has been amended to positively define that the perfume concentrate contains at least one essential oil; and the composition also comprises a solubilizer comprising an association of a perfluoro ether with a polyacid ester.

The support of the definition of perfume concentrate containing at least one essential oil is clearly in the specification, on page 2, line 2, and is also supported by the examples.

Further the combination of the hydrofluoro ether and of the polyacid ester to form a solubilizer (which is neutral or essentially neutral from an olfactory point of view towards perfumes in question) is mentioned in the specification on page 3, lines 4 to 7.

In view of this, amended claim 43 is clearly supported by the initial disclosure.

It has to be noted that claims 24-57 are pending in the application and that they are all rejoined, but that claim 24 and sub claims, is non-elected following a restriction requirement.

Applicant will now discuss the patentability of the subject matter of amended claim 43, which is the broadest independent claim in the set of claims, now pending, after this amendment.

Claim rejection under 35 U.S.C § 103

The Examiner has rejected claims 24-39, 43-50 and 52-56 under 35 U.S.C. § 103(a) as being unpatentable over KOMATA et al. (JP 04159399A) in view of SURBLED et al. (WO 99/26600).

As agreed at the interview, a full English translation of the KOMATA Japanese prior art reference JP 04159399 is enclosed herewith.

In addition, it was argued at the telephone interview that the invention perfume concentrate was containing at least one essential oil. The Examiner indicated that the mention of the presence of at least one essential oil would provide an important technical difference over the KOMATA prior art reference.

This positive recitation has now been made in amended independent claim 43.

In addition, in the amended claim 43, it has been clearly positively recited that the solubilizer comprises an association of a perfluorohydrofluoro ether with a polyacid ester.

Support for this is both found on page 2, line 2, and on page 3, lines 4 to 7 of the initial specification.

It is respectfully submitted that KOMATA is irrelevant to claim 43 as amended.

As a matter of fact, KOMATA only discloses and teaches to one skilled in the art the use of a specific chemical compound 1,4-dimethoxybenzene as a lotus like fragrance, which is clearly different from an essential oil, which comprises combination of many perfuming compounds.

The problem of solubility of essential oil is indeed different from that of 1,4-dimethoxybenzene.

In addition, KOMATA does not disclose anything relating to the problem of solving 1,4-dimethoxybenzene.

KOMATA teaches away from the present invention by the fact that it teaches that the lotus like fragrance of 1,4-dimethoxybenzene can be strengthened, namely synergistically sharply increased by incorporation of 5-20 % by weight of di-isobutyl adipate and/or tri-ethyl citrate.

In contrast thereto, according to the present invention, the polyacid ester is used in combination with the hydrofluoro ether as a solubilizer for the perfume concentrate, which contains at least one essential oil.

The technical problem of solving a perfume concentrate containing at least one essential oil is not disclosed, nor taught by KOMATA.

On the other hand, it is not seen how KOMATA could be combined with SURBLED absent hindsight view from knowledge of the invention.

It was discussed and agreed during the telephone interview that SURBLED WO 99/26600, which corresponds to US patent 6,573,235, teaches away from the invention by teaching that the perfluoro ether should be preferably combined with a co-solvent selected from ethanol and water, which have to be avoided in the present invention.

Nothing in KOMATA teaches that the polyacid ester could provide a satisfactory co-solvent for the hydrofluoro ether as claimed in the present invention for solving a perfume concentrate containing at least one essential oil.

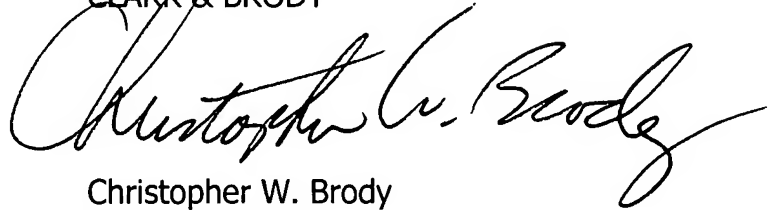
In view of this, it is apparent that the invention as claimed is clearly unobvious for one skilled in the art to which the invention pertains.

This application is now believed to be in condition for allowance and the issuance of a notice of allowance is respectfully solicited.

Again, reconsideration and allowance of this application is respectfully requested.

Please charge any fee deficiency or credit any overpayment to Deposit Account
No. 50-1088.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in black ink, appearing to read "Christopher W. Brody". The signature is fluid and cursive, with a large initial "C" and "B".

Christopher W. Brody
Reg. No. 33,613

Customer No. 22902
1090 Vermont Ave., NW, Suite 250
Washington, DC 20005
Telephone: 202-835-1111
Docket No.: 71247-0003
Date: October 12, 2007